



US Army Corps
Of Engineers
Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Public Notice of Application for Permit

APPLICATION NO: NWW No. 963200871

APPLICANT: Home Realty Group, Incorporated

PUBLIC NOTICE DATE: July 26, 2001

21-Day Notice

COMMENTS DUE DATE: August 16, 2001

Interested parties are hereby notified that an application has been received to modify Department of the Army permit NPW No. 963200871, issued on March 16, 1998, for certain additional work in waters of the United States as described below and shown on the attached drawings.

APPLICANT - Home Realty Group, Inc., 44 West 300 South, Suite 1506, Salt Lake City, Utah, 84101-3215, telephone 801-554-4663 (Mr. Patrick O'Keefe), or Mr. Todd Sherman at 435-753-4517 (work). For information from the Corps of Engineers, contact Mr. Gregory J. Martinez at 208-345-2154.

LOCATION - Wetlands adjacent to Bear Lake, Sec. 26, T.15S., R.43E., Boise Meridian, St. Charles USGS Quadrangle, approximately 1 mile south of Saint Charles, in Bear Lake County, Idaho.

WORK - Discharge approximately 100 cubic yards of gravel fill into 0.025 acre of wetland to widen the entrance road into an existing residential development. Discharge approximately 1,000 cubic yards of gravel fill material into 0.63 acre of wetland to construct an equestrian trail.

CONSTRUCTION PERIOD - Applicant proposes to start construction as soon as possible and complete work within 1 month. The permit would authorize construction for a period of 3 years.

PURPOSE - The discharge proposed for a wider road entrance would increase safety for residents entering the development. Many residents pull horse trailers that require extra road width to make the turn off of U.S. Highway 89 and into the development. The discharge for the proposed equestrian trail would provide a trail system around the development for pleasure riding.

AREA DESCRIPTION: The wetlands on the project site are dominated by water sedge and clustered field sedge. Baltic rush and Kentucky bluegrass are also present. The site gently slopes from west to east, with surface water run-off flowing to the east and down into Bear Lake. The water source for the wetlands is provided by a high ground water table along with seasonal surface run-off from snowmelt and irrigation water. The applicant's lot is presently hayed and used to graze livestock. The area surrounding the project is used to graze livestock, but is gradually being rezoned for residential development.

ADDITIONAL INFORMATION - In March 1998, Department of the Army permit NPW No. 963200871 was issued to Home Realty Group, Inc. to discharge gravel fill material into 0.52 acre of wetland to construct an access road to a residential development. This road has been built and is labeled as Lexington Lane on sheet 2 of the drawings. The applicant currently proposes to discharge additional gravel fill material to widen the road entrance of Lexington Lane for safety. The road would be widened 15 feet on both sides, for a length of 30 feet.

The applicant also proposes to construct an equestrian trail around the perimeter of the subdivision, through upland and wetlands. Approximately 2,278 linear feet of trail would be constructed in wetlands. The trail would involve the discharge of approximately 1000 cubic yards of gravel into 0.63 acre of wetland. The discharge of fill for the trail would be 12 feet wide. The riding surface would be 10 feet wide and steel rail fence would be installed on each side of the trail. The applicant considered constructing a narrower trail but decided a trail that is less than 10 feet wide would not allow for side by side riding or for two horses to pass each other safely.

The applicant proposes to mitigate for the proposed wetland loss by creating 0.66 acre of wet meadow wetland as shown on sheet 2 of the drawings. The mitigation wetlands would be created by excavating the 0.66 acre mitigation site down to an elevation that results in saturation to the surface by ground water. This would put the mitigation wetlands at the same ground elevation as adjacent existing wetlands. After the mitigation site has been excavated, wetland topsoil salvaged from the proposed trail system would be placed in the mitigation area to provide a seed and plant material source. If salvaging of topsoil is not possible, the mitigation site would be seeded with a seed mix containing the same plant species as the existing wetland. The mitigation area would be fenced for a minimum of 1 year to allow it to become established before livestock are allowed to graze the site. Existing wetlands not impacted by the equestrian trail would continue to be used as pastureland for livestock grazing.

OTHER AUTHORIZATIONS - Other authorizations obtained or requested include, but is not necessarily limited to: Approval from Bear Lake County and the Idaho Transportation Department.

WATER QUALITY CERTIFICATION - This will also serve as public notice that Idaho Department of Environmental Quality is evaluating whether to certify that the discharges of dredged and fill material proposed for this project will not violate existing water quality standards. A Department of the Army permit will not be issued until water quality certification has been issued or waived by the State of Idaho, as required by Section 401 of the Clean Water Act. If water quality certification is not issued, waived or denied within 60 days of this public notice date, and an extension of this period is not granted to the Idaho Department of Environmental Quality, certification will be considered waived. Comments concerning certification for this project should be mailed to: Idaho Department of Environmental Quality, Pocatello Regional Office, Pocatello, Idaho 83204.

CULTURAL RESOURCES - Coordination is currently being conducted with the office of the Idaho State Historic Preservation Officer to determine if this activity will affect a site that is listed on the National Register of Historic Places, or a site that may be eligible for listing on the Register.

ENDANGERED SPECIES - Coordination is currently being conducted with the U.S. Fish and Wildlife Service to determine if the activity will have any affect on species designated as endangered or threatened under the Endangered Species Act, or their critical habitat.

ENVIRONMENTAL IMPACT STATEMENT - Preliminary review indicates that the activity will not require preparation of an Environmental Impact Statement. Comments provided will be considered in preparation of an Environmental Assessment.

AUTHORITY - This permit will be issued or denied under the authority of Section 404 of the Clean Water Act.

EVALUATION - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water

supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. In addition, our evaluation will include application of the EPA Guidelines (40 CFR 230) as required by Section 404(b)(1) of the Clean Water Act.

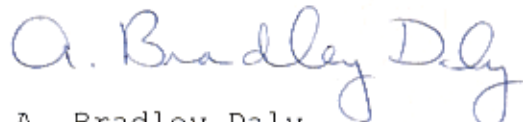
CONSIDERATION OF PUBLIC COMMENTS - The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PUBLIC HEARING - Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposed activity. Requests for a public hearing shall state specific reasons for holding a public hearing.

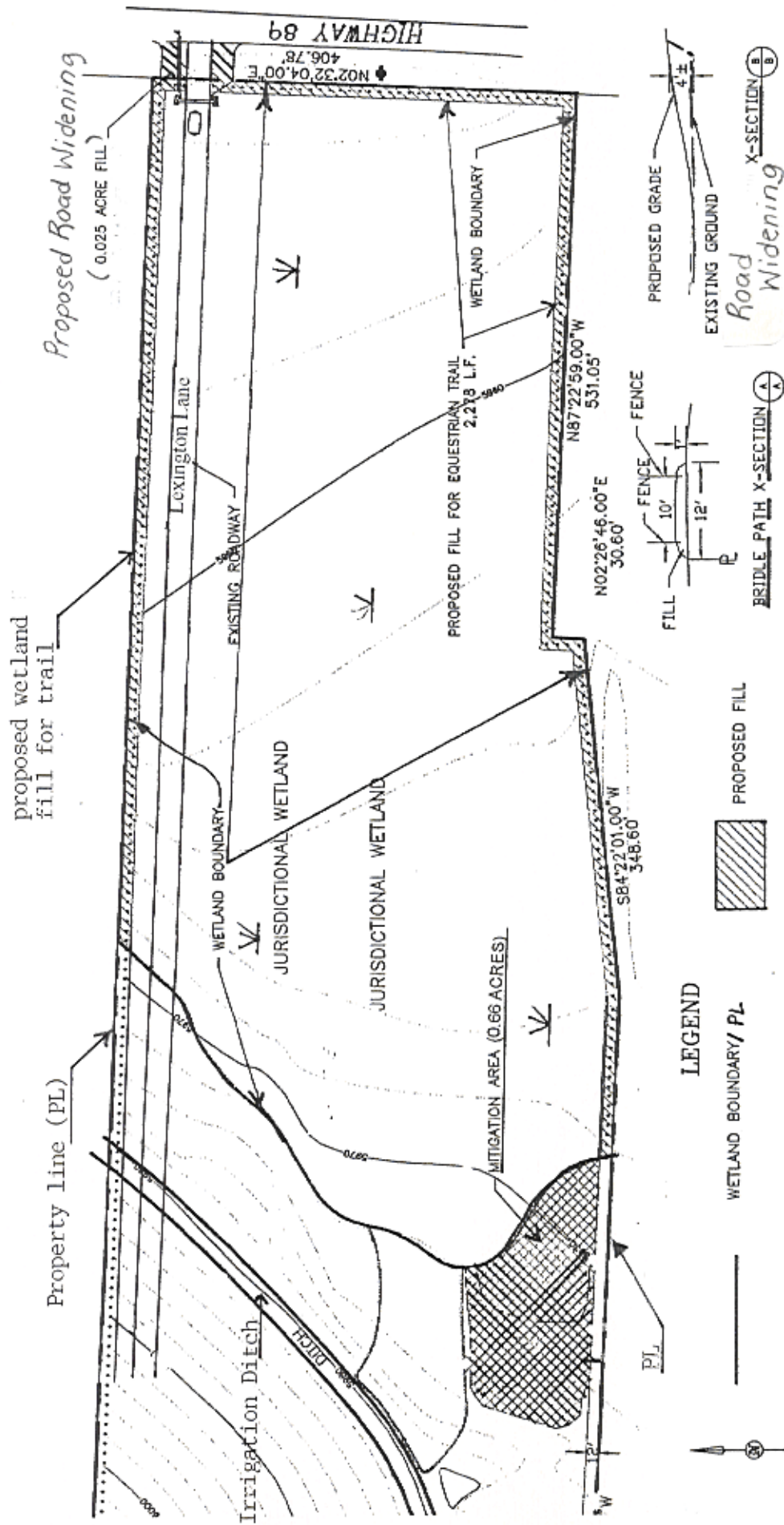
COMMENT AND REVIEW PERIOD - Interested parties are invited to provide their comments on the proposed activity, which will become a part of the record and will be considered in the decision. **Comments should be mailed to:**

**Boise Regulatory Office
304 N. 8th Street, Room 140
Boise, Idaho 83702-5820**

Comments should be received not later than the comments due date of this notice to receive consideration.



A. Bradley Daly
Chief, Regulatory Branch



File No. 963200871
 Applicant: Home Realty Group
 Location: St Charles, Idaho
 Date: March 26, 2001
 Sheet 2 of 2